

IN THE UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

Charlottesville Division

OCT 04 2021

Elizabeth Sines, et al

Plaintiffs

v.

Jason Kessler, et al

Defendants

Case No: 3:17-cv-072

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

MOTION IN LIMINE TO PERMIT CANTWELL COURT CLOTHES AND BAR

EVIDENCE, TESTIMONY, OR ARGUMENT OF HIS CURRENT INCARCERATION

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Comes now the Defendant, Christopher Cantwell, and, he Moves this Court in Limine to Permit him Court Clothes and Bar Evidence, Testimony, or Argument of His Current Incarceration. In support, he states as follows:

- 1) Cantwell is currently incarcerated on charges which are so far in time, geography, and subject matter from the matter before this Court, that exposure of the jury to the facts surrounding that case can only confuse and distract the Jury from the facts at issue here. On those grounds, Cantwell has moved separately to exclude evidence of his "prior alleged felonious conduct".
- 2) The Court granted Cantwell's earlier motion to be transported to this District for trial, and assuming he is to be housed at the Albemarle Charlottesville Regional Jail, he will likely be taken to and from the Courthouse in a cartoonish black and white striped jumpsuit, or similarly conspicuous attire if housed elsewhere.
- 3) Loudly advertising Cantwell's current incarceration will have an unduly prejudicial effect on the Jury, even more so than information about his conviction, by inserting in their minds the idea that he has already been convicted of the facts they are tasked to

decide in this case.

- 4) Cantwell's release is scheduled for December of 2022, which should have him in a halfway house or home confinement by or before August of 2022. Cantwell is neither a fool nor a flight risk.
- 5) To avoid undue prejudice to Cantwell and his codefendants, the Court should allow Cantwell to have Courtroom appropriate attire delivered either to the Courthouse, or wherever he is to be housed, and permit him to change into such clothing before being seen by the Jury.
- 6) The Court should also instruct the proper authorities to remove Cantwell's handcuffs before the Jury enters the Courtroom, and wait until the Jury has left before putting them back on.
- 7) Separately from, and indeed, more importantly than, the question of Cantwell's alleged felonious conduct, the Court should exclude evidence, testimony or argument about Cantwell's current incarceration.

Respectfully Submitted  
Christopher Cantwell

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 10-4-2021

CERTIFICATE OF SERVICE

I hereby certify that this Motion in Limine was mailed to the Clerk of the Court, and/or handed to USP Marion staff members for electronic transmission to the Court; on this 4th day of October 2021.

Christopher Cantwell

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